

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

BAYER HEALTHCARE LLC,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

1:11-cv-3047-AKH

NOTICE OF MOTION

X

PLEASE TAKE NOTICE that, upon the Affidavit of Adam B. Michaels, sworn to June 19, 2011, and the Certificate of Good Standing annexed thereto, defendant Eli Lilly and Company will move this Court before the Honorable Alvin K. Hellerstein, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an Order pursuant to Rule 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, allowing the admission *pro hac vice* of John F. Brenner, an attorney with the law firm of Pepper Hamilton LLP and a member in good standing of the Bar of the State of New Jersey. There are no pending disciplinary proceedings against Mr. Brenner in any state or federal court.

Dated: New York, New York
June 19, 2011

Respectfully submitted,



Adam B. Michaels (AM 9120)
PEPPER HAMILTON LLP
The New York Times Building
620 Eighth Avenue
New York, New York 10018-1405
(212) 808-2700

Counsel for defendant Eli Lilly and Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BAYER HEALTHCARE LLC,

Plaintiff,

v.

ELI LILLY AND COMPANY,

Defendant.

1:11-cv-3047-AKH

AFFIDAVIT

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

ADAM B. MICHAELS, being duly sworn, deposes and says:

1. I am a member in good standing of the bar of the State of New York and was admitted to practice in 2003. I was also admitted to the bar of the United States District Court for the Southern District of New York on July 8, 2003, and am in good standing with this Court.

2. I am of counsel with the law firm of Pepper Hamilton LLP, counsel for Defendant Eli Lilly and Company in the above-captioned action, and make this Affidavit in support of the motion for the admission of John F. Brenner to practice *pro hac vice* in the above-captioned action.

3. Mr. Brenner is an attorney with the law firm of Pepper Hamilton LLP. His telephone number is (609) 951-4193. His e-mail address is brennerj@pepperlaw.com. As shown in the Certificate of Good Standing annexed to this Affidavit as Exhibit A, he is a member in good standing of the Bar of the State of New Jersey, admitted in 1980.

4. There are no pending disciplinary proceedings against Mr. Brenner in any state or federal Court.

5. Mr. Brenner is a skilled attorney and a person of integrity. He is experienced in federal practice and with the Federal Rules of Civil Procedure.

6. Accordingly, I am pleased to move the admission of Mr. Brenner *pro hac vice*.

7. It is respectfully requested that the Court grant the motion for an order permitting John F. Brenner to appear in this action as counsel for defendant Eli Lilly and Company for all purposes *pro hac vice*. A proposed order for Mr. Brenner's admission *pro hac vice* is annexed hereto as Exhibit B.



ADAM B. MICHAELS

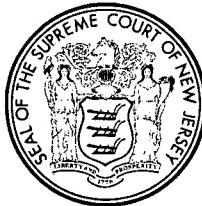
Sworn to before me this
19th day of June, 2011.



MARIE A. RAMOS
Notary Public

MARIE A. RAMOS
NOTARY PUBLIC, State of New York
No. 01RA5038297
Qualified in Bronx County
Certificate Filed in New York County
Commission Expires Jan. 23, 2011

Supreme Court of New Jersey



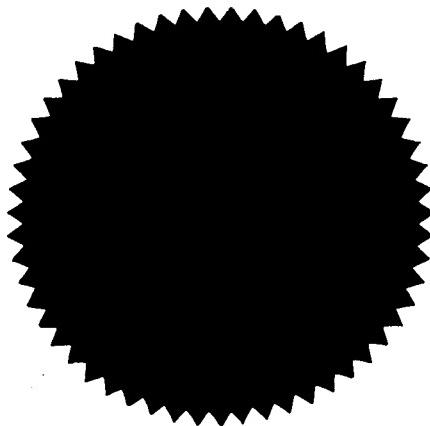
Certificate of Good Standing

This is to certify that **JOHN F BRENNER**

(No. **017121980**) was constituted and appointed an Attorney at Law of New Jersey on **December 18, 1980** and, as such, has been admitted to practice before the Supreme Court and all other courts of this State as an Attorney at Law, according to its laws, rules, and customs.

I further certify that as of this date, the above-named is an Attorney at Law in Good Standing. For the purpose of this Certificate, an attorney is in "Good Standing" if the Court's records reflect that the attorney: 1) is current with all assessments imposed as a part of the filing of the annual Attorney Registration Statement, including, but not limited to, all obligations to the New Jersey Lawyers' Fund for Client Protection; 2) is not suspended or disbarred from the practice of law; 3) has not resigned from the Bar of this State; and 4) has not been transferred to Disability Inactive status pursuant to Rule 1:20-12.

Please note that this Certificate does not constitute confirmation of an attorney's satisfaction of the administrative requirements of Rule 1:21-1(a) for eligibility to practice law in this State.



In testimony whereof, I have
hereunto set my hand and
affixed the Seal of the
Supreme Court, at Trenton, this
1ST day of **June**, 20 **11**.



Clerk of the Supreme Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

BAYER HEALTHCARE LLC,

Plaintiff,

: 1:11-cv-3047-AKH

v.

: ORDER FOR ADMISSION PRO HAC VICE

ELI LILLY AND COMPANY,

Defendant.

-----X

Upon the motion of Adam B. Michaels, attorney for defendant Eli Lilly and Company and said sponsor attorney's affidavit in support,

IT IS HEREBY ORDERED that John F. Brenner is admitted to practice *pro hac vice* as counsel for defendant Eli Lilly and Company in the above captioned case. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rule governing discipline of attorneys. Counsel shall immediately apply for an Electronic Case Filing (ECF) password at nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

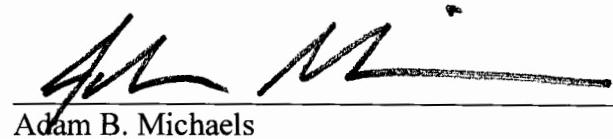
Dated: _____

U. S. D. J.

CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2011, I caused a true and correct copy of the Notice of Motion for the *pro hac vice* admission of John F. Brenner to be served via First Class U.S. Mail, as follows:

David H. Bernstein, Esq.
Michael Schaper, Esq.
Christopher J. Hamilton, Esq.
DEBEVOISE & PLIMPTON LLP
919 Third Avenue
New York, New York 10022



Adam B. Michaels